

STATEMENT OF REP. JOHN CONYERS, JR.  
Committee on the Judiciary  
Markup of H.R. 3313, the "Marriage Protection Act of 2003"  
Equal Protection/Due Process Amendment  
Wednesday, July 14, 2004

Two of the most important rights enshrined in our Constitution are the rights to due process and to equal protection under the law. Those rights have been critical to protecting minorities against discrimination. Those rights have been critical to preserving every person's right to be heard and for decisions to be made in a consistent, nonarbitrary manner.

Unfortunately, this bill – as drafted – would disallow anyone from protecting those rights in court, if they believe those rights have been violated by the Defense of Marriage Act. For this reason, and other reasons, this statute is itself unconstitutional. The Congress cannot pass a statute which essentially invalidates constitutional rights by rendering them unenforceable. A right without any legal recourse is no right at all.

The Fourteenth Amendment to the United States Constitution says that "[n]o state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Which part of these essential freedoms does the Majority disagree with?

Which part should be unenforceable by any United States Court?

When we were sworn into office, we all took an oath to "protect and defend the Constitution of the United States against all enemies, foreign and domestic." Make no mistake about it: if you vote against this amendment, you are voting against one of the most vital and critical provisions in our Constitution.